

table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM<sub>10</sub> concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see § 51.402(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

TABLE 3—PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES

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Intersection channelization projects.  
 Intersection signalization projects at individual intersections.  
 Interchange reconfiguration projects.  
 Changes in vertical and horizontal alignment.  
 Truck size and weight inspection stations.  
 Bus terminals and transfer points.

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**§ 51.464 Special provisions for non-attainment areas which are not required to demonstrate reasonable further progress and attainment.**

(a) *Application.* This section applies in the following areas:

- (1) Rural transport ozone nonattainment areas;
- (2) Marginal ozone areas;
- (3) Submarginal ozone areas;
- (4) Transitional ozone areas;
- (5) Incomplete data ozone areas;
- (6) Moderate CO areas with a design value of 12.7 ppm or less; and
- (7) Not classified CO areas.

(b) *Default conformity procedures.* The criteria and procedures in §§ 51.436 through 51.440 will remain in effect throughout the control strategy period for transportation plans, TIPs, and projects (not from a conforming plan and TIP) in lieu of the procedures in §§ 51.428 through 51.432, except as otherwise provided in paragraph (c) of this section.

(c) *Optional conformity procedures.* The State or MPO may voluntarily develop

an attainment demonstration and corresponding motor vehicle emissions budget like those required in areas with higher nonattainment classifications. In this case, the State must submit an implementation plan revision which contains that budget and attainment demonstration. Once EPA has approved this implementation plan revision, the procedures in §§ 51.428 through 51.432 apply in lieu of the procedures in §§ 51.436 through 51.440.

**Subpart U—Economic Incentive Programs**

SOURCE: 59 FR 16710, Apr. 7, 1994, unless otherwise noted.

**§ 51.490 Applicability.**

(a) The rules in this subpart apply to any statutory economic incentive program (EIP) submitted to the EPA as an implementation plan revision to comply with sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act. Such programs may be submitted by any authorized governmental organization, including States, local governments, and Indian governing bodies.

(b) The provisions contained in these rules, except as explicitly exempted, shall also serve as the EPA's policy guidance on discretionary EIP's submitted as implementation plan revisions for any purpose other than to comply with the statutory requirements specified in paragraph (a) of this section.

**§ 51.491 Definitions.**

*Act* means the Clean Air Act as amended November 15, 1990.

*Actual emissions* means the emissions of a pollutant from an affected source determined by taking into account actual emission rates associated with normal source operation and actual or representative production rates (i.e., capacity utilization and hours of operation).

*Affected source* means any stationary, area, or mobile source of a criteria pollutant(s) to which an EIP applies. This term applies to sources explicitly included at the start of a program, as well as sources that voluntarily enter (i.e., opt into) the program.